**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TOUCHSTREAM TECHNOLOGIES, INC.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Case No. 6:21-cv-569-ADA
	§	
GOOGLE LLC,	§	**JURY TRIAL DEMANDED**
	§	
Defendant.	§	
	§	

<u>ORDERS ON MOTIONS IN LIMINE</u>

The Court, having considered the Motions in Limine filed by Plaintiff Touchstream

Technologies, Inc. ("Touchstream") and Defendant Google LLC. ("Google") (Dkt. Nos. 174, 185)

and the parties' arguments at the June 28, 2023 Pretrial Conference, rules as follows:

Touchstream Technologies, Inc.'s Motions in Limine:

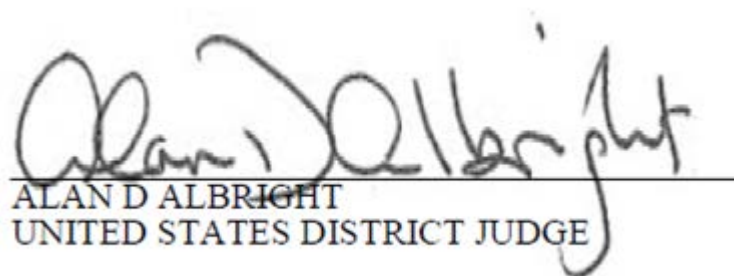| No.	Touchstream's Motion in Limine	The Court's Order
1	To Exclude SMR Agreement And Related Opinions And Testimony	DENIED.
2	To Exclude Evidence And Testimony Regarding Usage Spreadsheets	DENIED.
3	To Exclude Evidence And Testimony Regarding Cherry-Picked Google License Agreements	DENIED.
4	To Exclude Inter Partes Review (IPRs) and PTAB Proceedings	GRANTED. But, parties are allowed to use testimony to impeach any witness who testified during IPR, as long as testimony is referenced in trial as sworn testimony. Further, the Court will consider IPR evidence in its consideration of willfulness after trial. *See* PTC Tr. at 136:10-22.
5	To Exclude Argument that Touchstream is an Non-Practicing Entity or "Patent Troll."	DENIED. But will exclude if either side uses corporate status as prerogative. *See* PTC Tr. at 137:2-18.

No.	Touchstream's Motion in Limine	The Court's Order
6	To Exclude Testimony or Declarations from Mr. Levai.	DENIED.
7	To Exclude Arguments or Evidence of Touchstream's Alleged Delay in Filing Suit	DEFFERED. Approach bench before getting into that issue/content. *See* PTC Tr. at 138:18-139:1.
8	To Exclude Arguments or Evidence of Touchstream's Not Offering a Physical Product	DENIED. Parties are still allowed to object if references are used in a prejudicial way. *See* PTC Tr. at 140:1-142:9.
9	To Exclude Arguments of Legally Erroneous Non-Infringing Alternatives	DENIED.
10	To Exclude Evidence and Testimony Related to Prior Art References That Google Failed to Disclose in it Final Invalidity Contentions and for Which Google Cannot Provide Adequate Foundation.	DENIED.

Google LLC's Motions in Limine:

No.	Google's Motion in Limine	The Court's Order
1	Exclude reference to Google's overall size, wealth, profits, or revenue	DENIED, but will exclude if either side uses corporate status as prerogative. *See* PTC Tr. at 137:2-18.
2	Exclude the unsupported opinion of Mr. Chandler concerning ad revenue and Google's business model	DENIED.
3	Exclude reference that any Touchstream product practiced the Asserted Patents and any alleged industry praise, including the untimely and unqualified opinion of Mr. Strober that Touchstream products embodied the patents	GRANTED.
4	Exclude reference to non-US use, activity, or sale revenue	MOOT.

No.	Google's Motion in Limine	The Court's Order
5	Exclude any reference, suggestion, or argument regarding the fact, settlement, outcome of or verdict or result in any other litigation, legal proceeding, regulatory, governmental, or other investigation involving the other party	GRANTED, except expert discussion of other litigation. *See* PTC Tr. at 150:16-151:4.
6	Exclude any reference of Google being a "monopoly," "monopolist," "anti-competitive" or other such pejorative terms, or that Google is repeatedly accused of IP infringement, does not respect IP rights, or other such matters	GRANTED, except to the discussion in expert reports. *See* PTC Tr. at 151:6-18; 153:10-23.
7	Exclude any reference concerning Google's practices with respect to data collection, privacy, or information security	GRANTED, except to the extent any expert needs to prove infringement. *See* PTC Tr. at 151:19-152:3.
8	Exclude any reference about alleged deficiencies in or the conduct of discovery in this case	GRANTED.
9	Exclude any reference relating to data retention policy and practices	GRANTED. *See* PTC Tr. at 152:8-153:3.

SIGNED this 14th day of July, 2023.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

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